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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 12-09-2005

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WRIT PETITION No.20044 OF 2005

Between:

Christian College of Nursing . . .Petitioner

And

The Registrar, A.P. Nurses & Midwives Council, Hyderabad,

And others . . .Respondents

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WRIT PETITION No.20044 OF 2005

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O R D E R:

The petitioner is an educational society. It intended to start a college of Nursing in the District of Mahaboobnagar. The application was processed by the department of Health, Medical and Family Welfare. Through G.O.Ms.No.247, dated 10-08-2004, the Government accorded permission to the petitioner for establishment of a college of Nursing at Mahaboobnagar. However, it imposed three conditions while according such permission. They are:

a. that the petitioner should obtain affiliation from N.T.R. University of Health Sciences, the third respondent;

b. that it should obtain clearance from the Indian Nursing Council, New Delhi, and

c. that it shall start B.Sc. (Nursing) Course within a period of one year from the date of permission.

On the strength of the said G.O., the petitioner submitted an application to the

third respondent for grant of affiliation. The application of the petitioner was registered in November, 2004. The petitioner claims to have submitted an application before the Director of Medical Education, A.P. Nurses and Midwives Council, the second respondent, for inspection as required under the statutes of the third respondent. Its grievance is that the second respondent is not sending any team for inspection and therefore, it seeks appropriate directions.

The learned counsel for the petitioner submits that according to clause 11 of the Recommendations on Statute on Affiliation of College of Nursing of the third respondent, once an application for affiliation is registered, the petitioner has to approach the second respondent for inspection and it is only on the basis of the inspection caused by the second respondent, further steps would be taken in the matter of granting affiliation. He further contends that the petitioner had already registered with the third respondent and the second respondent ought to have caused inspection.

The learned Government Pleader for Medical and Health and the learned Standing Counsel for the third respondent, on the other hand, submit that when the G.O. clearly stipulated various conditions, the petitioner cannot insist on inspection by the second respondent.

After considering the application of the petitioner, the Government issued G.O.Ms.No.247, dated 10-08-2004, granting permission for establishment of a college of Nursing. As observed in the preceding paragraphs, three conditions were incorporated in the said G.O. As of now, the petitioner did not comply with any of those conditions. In relation to the first condition, the first petitioner applied to the third respondent for grant of affiliation. Except that the application was registered, affiliation has not been granted as yet. As regards second condition, the petitioner states that the Indian Nursing Council had inspected the proposed college of the petitioner and had pointed out certain defects. The record does not disclose as to whether the said defects have been rectified and as on today, the petitioner was not obtained any clearance from the Indian Nursing Council. The Government clearly stipulated that the petitioner should start B.Sc. Nursing Course within one year from the date of G.O. If the petitioner has any valid reason for not complying with the conditions, within the stipulated time, it has to approach the Government seeking extension of time.

Even if it is able to satisfy the other conditions, it would become impossible for it to start the college after the time stipulated by the Government had expired. Therefore, unless the petitioner seeks and gets extension of time from the Government, it cannot undertake any steps at this stage.

For the aforesaid reasons, the writ petition is disposed of leaving it open to the petitioner to approach the Government for extension of time stipulated for starting the college.

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(L.NARASIMHA REDDY, J)

12th SEPTEMBER, 2005.

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